

Bentsen	Hamilton	Neal
Berman	Harman	Oberstar
Berry	Hastings (FL)	Obey
Bishop	Hefner	Olver
Blagojevich	Hilliard	Ortiz
Blumenauer	Hinchey	Owens
Bonior	Hinojosa	Pallone
Borski	Holden	Pascrell
Boswell	Hoolley	Pastor
Boucher	Hoyer	Payne
Boyd	Jackson (IL)	Pelosi
Brown (CA)	Jackson-Lee	Peterson (MN)
Brown (FL)	(TX)	Pickett
Brown (OH)	Jefferson	Pomeroy
Capps	John	Poshard
Cardin	Johnson (WI)	Price (NC)
Carson	Johnson, E. B.	Rahall
Clay	Kanjorski	Rangel
Clayton	Kaptur	Reyes
Clement	Kennedy (MA)	Rivers
Clyburn	Kennedy (RI)	Rodriguez
Condit	Kennelly	Roemer
Conyers	Kildee	Rothman
Costello	Kilpatrick	Roybal-Allard
Coyne	Kind (WI)	Rush
Cramer	Klecza	Sabo
Cummings	Klink	Sanders
Danner	Kucinich	Sandlin
Davis (FL)	LaFalce	Sawyer
Davis (IL)	Lampson	Scott
DeFazio	Lantos	Serrano
DeGette	Levin	Sherman
Delahunt	Lewis (GA)	Sisisky
DeLauro	Lipinski	Skaggs
Dellums	Lofgren	Skelton
Deutsch	Lowe	Slaughter
Dicks	Luther	Smith, Adam
Dingell	Maloney (CT)	Snyder
Dixon	Maloney (NY)	Spratt
Doggett	Manton	Stabenow
Dooley	Markey	Stark
Doyle	Martinez	Stenholm
Edwards	Mascara	Stokes
Engel	Matsui	Strickland
Eshoo	McCarthy (MO)	Stupak
Etheridge	McCarthy (NY)	Tanner
Evans	McDermott	Tauscher
Farr	McGovern	Taylor (MS)
Fattah	McHale	Thompson
Fazio	McIntyre	Thurman
Filner	McKinney	Tierney
Flake	McNulty	Torres
Foglietta	Meehan	Towns
Ford	Meek	Turner
Frank (MA)	Menendez	Velazquez
Frost	Millender-	Vento
Furse	McDonald	Visclosky
Gejdenson	Miller (CA)	Waters
Gephardt	Minge	Watt (NC)
Goode	Mink	Waxman
Gordon	Moakley	Wexler
Green	Mollohan	Weygand
Gutierrez	Moran (VA)	Wise
Hall (OH)	Murtha	Woolsey
Hall (TX)	Nadler	Wynn

ANSWERED "PRESENT"—1

Sanchez

NOT VOTING—10

Gonzalez	Schiff	Young (AK)
Houghton	Schumer	Young (FL)
McDade	Smith (OR)	
Oxley	Yates	

□ 2229

Mr. OWENS changed his vote from "yea" to "nay."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. HINCHEY. Mr. Speaker, earlier today I was delayed en route to the vote on Treasury-Postal appropriations. If I had been in the House, I would like the RECORD to reflect that I would have voted in the affirmative.

SUBPOENA ENFORCEMENT IN THE CASE OF DORNAN VERSUS SANCHEZ

Mr. THOMAS. Mr. Speaker, pursuant to House Resolution 253, I call up the resolution (H. Res. 244) demanding that the Office of the United States Attorney for the Central District of California file criminal charges against Hermandad Mexicana Nacional for failure to comply with a valid subpoena under the Federal Contested Elections Act, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 244

Whereas the contested election case of Dornan v. Sanchez is pending before the Committee;

Whereas the Federal Contested Elections Act (2 U.S.C. 381 et seq.) (hereafter in this resolution referred to as the "Act") provides for the issuance of subpoenas, and on March 17, 1997, United States District Court Judge Gary L. Taylor issued such a subpoena at the request of the Contestant for the deposition and records of Hermandad Mexicana Nacional;

Whereas on April 16 1997, the Committee voted to modify the subpoena by limiting production of documents to the 46th Congressional District (among other modifications), and as perfected by the Committee, the subpoena required Hermandad Mexicana Nacional to produce documents and appear for a deposition no later than May 1, 1997;

Whereas Hermandad Mexicana Nacional failed to produce documents or appear for the deposition by May 1, 1997, and still has not complied with the subpoena;

Whereas Hermandad Mexicana Nacional, by willfully failing to comply with the lawfully issued subpoena, is in violation of section 11 of the Act (2 U.S.C. 390), which provides for criminal penalties;

Whereas on May 13, 1997, the Contestant wrote to the United States Attorney for the Central District of California, Nora M. Manella, requesting that action be taken to enforce the law with respect to Hermandad Mexicana Nacional, and on June 23, 1997, the Committee wrote to the Department of Justice inquiring as to the status of this request for criminal prosecution, and the Department responded on July 25, 1997, that the criminal referral remain "under review";

Whereas the United States Attorney's failure to enforce criminal penalties for the violation of the Act encourages disrespect for the law and hinders the Constitutionally mandated process of determining the facts in the contested election case, including the discovery of any election fraud that may have influenced the outcome of the election; and

Whereas on September 23, 1997, the United States District Court for the Central District of California ruled that the deposition subpoena provisions of the Act are constitutional: Now, therefore, be it

Resolved, That the House of Representatives demands that the Office of the United States Attorney for the Central District of California carry out its responsibility by filing, pursuant to its determination that it is appropriate according to the law and the facts, criminal charges against Hermandad Mexicana Nacional for failure to comply with a valid subpoena issued under the Act.

The SPEAKER pro tempore (Mr. GILLMOR). Pursuant to House Resolution 253, the gentleman from California [Mr. THOMAS] and the gentleman from

Connecticut [Mr. GEJDENSON] each will control 30 minutes.

The Chair recognizes the gentleman from California [Mr. THOMAS].

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it was contended earlier that this resolution really does not make the Department of Justice do anything.

Of course we cannot, but what we can do is express the will of the House in terms of the direction that the Department of Justice should go, and as a matter of fact we pass concurrent resolutions all the time, and as a matter of fact, we have passed some recently.

For example, in the instance of the burning of churches in the South, the concurrent resolution stated that Congress hoped that the Department of Justice would pursue with all vigor the criminals and prosecute them. The resolution did not mean that the Department of Justice was going to do it, but we felt strong enough that the House wanted to tell the Department of Justice what we thought they should do.

What we are talking about in terms of asking the Department of Justice to look at is a direct violation of the law. The Contested Elections Act says that if someone does not honor a subpoena, they are deemed to be guilty of a misdemeanor, and we want the Department of Justice to enforce the law.

But probably in the greater sense, this is actually the story of victims. There are two major groups of victims. Directly the first group of victims are those documented aliens who placed their trust in becoming citizens in the hands of an organization who betrayed their trust. Indirectly, there are victims, and those are the citizens who voted and trusted the authorities, us, to make sure their votes were not diluted unfairly and contrary to law. The group that betrayed the trust of documented aliens were people who were using government money, both Federal and State, purportedly to assist documented aliens to become citizens.

The gentleman from Massachusetts said that perhaps Hermandad should be looked at as a victim rather than the individuals that I mentioned who are actually the real victims. Let us take a closer look at Hermandad. Tens of millions of dollars, taxpayer money, runs through this organization. They have broken both Federal and State law.

According to a Los Angeles Times article in February of this year, Hermandad offered a 1996 Chevrolet Camaro to the winner of a lottery as an inducement to register to vote. The winner of the lottery who registered to vote through Hermandad was not a United States citizen. Although Hermandad is a tax-exempt organization that is prohibited from participating in partisan politics, subpoena records show that Hermandad ran endorsements for political candidates in its newspapers. It also, through its State-funded computers, tracked over \$700,000 in campaign contributions,